

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MICHAEL J. GREENE,

Plaintiff,

v.

Civil Action No: 1:15-14561

SCOTT A. ASH, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are plaintiff's application to proceed without prepayment of fees, (Doc. No. 1), and complaint. (Doc. No. 3). By Standing Order, this matter was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 6). The magistrate judge submitted his proposed findings and recommendation ("PF&R") on November 5, 2015. (Doc. No. 7). In the PF&R, Magistrate Judge VanDervort recommended that the court deny plaintiff's application to proceed without prepayment of fees and costs, dismiss plaintiff's complaint, and remove this matter from the court's docket. (Doc. No. 7 at 10).

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days, plus three mailing days,

in which to file any objections to the PF&R. Plaintiff timely filed an objection on November 19, 2015. (Doc. No. 9).

However, this "objection" does not argue against the PF&R's findings. In his filing, plaintiff states that he disagrees with the PF&R's conclusions, but "do[es] not wish to appeal it." (Doc. No. 9 at 1). Plaintiff states that he instead intends "to file a new [complaint], and write down/give more information." Id. This argument "do[es] not direct the court to a specific error in the magistrate's proposed findings and recommendations" and, as a result, the court need not conduct a de novo review of such an objection. Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Nonetheless, having reviewed the PF&R, the court concurs with its findings.

Accordingly, the court **OVERRULES** plaintiff's objection to Magistrate Judge VanDervort's PF&R. The court **ADOPTS** the factual and legal analysis contained within the PF&R, **DENIES** plaintiff's application to proceed without prepayment of fees or costs, (Doc. No. 1), **DISMISSES** plaintiff's complaint, (Doc. No. 3), and **DISMISSES** this matter from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to plaintiff, pro se.

IT IS SO ORDERED on this 10th day of December, 2015.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge